

California Regional Water Quality Control Board
North Coast Region

Cleanup and Abatement Order No. 98-75

For

Boyett Petroleum
Carl Boyett
Carol Boyett

Sonoma County

The California Regional Water Quality Control Board, North Coast Region (hereinafter Regional Water Board), finds that:

1. Boyett Petroleum owned and operated a retail gasoline station and car wash at 171 Santa Rosa Avenue (hereinafter the site) in Santa Rosa (APN No. 010-202-039). The site is currently a vacant lot bordered on the north by Santa Rosa Creek, on the east by Santa Rosa Avenue, on the south by Sonoma Avenue and on the west by a Pacific Gas and Electric Company (PG&E) power station. The current owners are Carol and Carl Boyett. All three of the above listed parties are hereinafter referred to as the dischargers.
2. On January 22, 1985, Regional Water Board staff received a complaint of gasoline seeping into Santa Rosa Creek through the cracks in the concrete lining of the channel. Regional Water Board staff determined that Boyett Petroleum was the source of the gasoline contamination. On May 21, 1985, the Executive Officer issued Cleanup and Abatement Order No. 85-86 which required Boyett Petroleum to immediately cease the discharge, determine the extent of contamination, cleanup the effects of the discharge, and conduct monitoring and reporting until the cleanup is complete.
3. Between January 1985 and September 1987, twelve groundwater monitoring wells were installed. Floating product was reported on groundwater beneath the site at up to 5.83 feet in thickness in the vicinity of the fuel dispenser island, reportedly due to a pipe leak. Product also has been reported in other on-site and off-site wells. A gasoline release from an upgradient site also exists which may be resulting in on-site migration and co-mingled plumes.

4. In February 1988, a groundwater recovery system was installed. System operation began in July 1989 and ceased in October 1992. The station and car wash were demolished and the underground fuel tank system was removed in September 1992. A Soil Vapor Extraction system (SVE) was installed in October 1993 to treat impacted soil; total petroleum hydrocarbons remained in place at up to 27,000 parts per million (ppm). The time period of SVE operation and its effectiveness is unknown.
5. Regional Water Board staff met with Carl Boyett in July and August 1996. It was agreed that a workplan to conduct excavation work was forthcoming. Regional Water Board staff inquired on the status of the workplan on September 27, 1996 and October 29, 1996. Carl Boyett and/or his representatives failed to respond. Staff notified Carl Boyett on June 11, 1997 that, due to the ongoing delays, a Cleanup and Abatement Order would be issued. On August 7, 1997, a workplan prepared by WHF Inc. was submitted with a proposal to excavate impacted soil in the vicinity of the former pipe leak. The plan was reviewed and was not accepted.
6. On October 7, 1997, Cleanup and Abatement Order (CAO) No. 97-120 was issued to Boyett Petroleum, Carl Boyett and Carol Boyett. The Order requires the dischargers to:
 - A. By December 1, 1997, submit a revised and acceptable excavation workplan to the Regional Water Board and Santa Rosa Fire Department for review and comment.
 - B. By January 2, 1998, obtain all necessary permits.
 - C. Begin implementation of the work within fifteen days of the Executive Officer's acceptance of the plan. Complete all work within 45 days after work is commenced.
 - D. Submit a report of completed work within 30 days after completion of work.
 - E. Conduct quarterly groundwater monitoring, sampling and reporting for all site-related monitoring wells.
 - F. Continue to perform Item E and any additional work deemed necessary by the Executive Officer, until such time as the requirements of the State Underground Storage tank Regulations, Corrective Action Requirements (Title 23, Division 3, Chapter 16, Article 11) have been complied with, eliminating the threat to groundwater and Santa Rosa Creek and the beneficial uses of the State's water have been restored.

7. On December 1, 1997, the "Workplan For Site Restoration" was submitted in compliance with Task A. The plan was deemed acceptable on December 24, 1997. The dischargers were notified that an extension regarding the remaining CAO No. 97-120 compliance dates and coordination of site remediation with the Prince Memorial Greenway Project (PMGP) construction schedule was acceptable. The extension was granted due to negotiations between the dischargers and the City of Santa Rosa to coordinate construction work for both projects, which may have resulted in a cost savings.
8. On May 5, 1998, the "Site Investigation Report" was submitted. The report included current and supplemental information regarding soil and groundwater conditions at the site. New information was provided showing the presence of Methyl tert Butyl Ether (MTBE) in soil and groundwater at up to 100 parts per billion (ppb) and 130 ppb, respectively. Floating product was reported in an off-site and downgradient soil boring drilled on the PG & E property. A reduction in the previously estimated excavation volume was proposed based on lower detections in an area where significant impact was previously reported.
9. On June 1, 1998, the City of Santa Rosa notified Regional Water Board staff of its intent to discontinue the coordination of the PMGP with the Boyett soil and groundwater remediation project. The Boyett project will proceed independently; therefore, time extensions for the dischargers to complete CAO No. 97-120, Tasks B, C, D, E & F are no longer appropriate and CAO No. 97-120 must be recinded.
10. Existing and potential beneficial uses of the groundwater and Santa Rosa Creek, a tributary to the Laguna de Santa Rosa and the Russian River, include:
 - a. domestic water supply;
 - b. agricultural water supply;
 - c. industrial water supply;
 - d. municipal water supply;
 - e. navigation;
 - f. hydropower generation;
 - g. water contact and non-contact water recreation;
 - h. commercial and sport fishing;
 - i. warm and cold freshwater habitat;
 - j. wildlife habitat;
 - k. migration of aquatic organisms;
 - l. spawning, reproduction, and/or early development;
 - m. estuarine habitat;
 - n. aquaculture.

11. The dischargers have caused or permitted, cause or permit, or threaten to cause or permit waste to be discharged or deposited where it is, or probably will be, discharged into waters of the state and create, or threaten to create, a condition of pollution or nuisance. The discharge and threatened discharge of waste is deleterious to the beneficial uses of water and is creating and threatens to create a condition of pollution which threatens to continue unless the discharge and threatened discharge is permanently abated.
12. This enforcement action is being taken for the protection of the environment and, therefore, is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Section 21000 et seq.) in accordance with Section 15321, Chapter 3, Title 14, California Code of Regulations.

THEREFORE, IT IS HEREBY ORDERED that, pursuant to California Water Code Section 13304, Cleanup and Abatement Order No. 97-120 is rescinded and the dischargers shall cleanup and abate the discharge and threatened discharge of waste by complying with the following tasks:

- A. By July 17, 1998, submit a revised corrective action plan.
- B. By July 31, 1998, obtain all necessary permits to implement the plan.
- C. Begin implementation of the work within fifteen days of obtaining the necessary permits and complete all work within 45 days after work is commenced.
- D. Submit a report of completed work within 45 days after completion of work.
- E. Conduct quarterly groundwater monitoring, sampling and reporting for all site-related monitoring wells.
- F. Continue to perform Task E and any additional work deemed necessary by the Executive Officer, until the threat to groundwater and Santa Rosa Creek has been eliminated and the beneficial uses of the State's water have been restored.

If, for any reason, the dischargers are unable to perform any activity or submit any document in compliance with the schedule set forth herein or in compliance with any schedule submitted pursuant to the Order and approved by the Executive Officer, the dischargers may request, in writing, a time extension. The extension request must be submitted at least 15 days in advance of the due date and shall include justification for the delay.

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Ordered by _____

Lee A. Michlin
Executive Officer

July 6, 1998

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